IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 8871 of 1995

Between:

MVSR Engineering College, rep. by its Secretary
M.I.Kanta Rao, S/o. late Satyanarayana Rao,

resding at Himayatnagar, Hyderabad.

..... PETITIONER

AND

1 Commissioner of Technical Education, A.P. Hyderabad.
2 Secretary, Education Department,
Govt., of Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of Mandamus or any other writ, order or direction declaring that the notice No.E2/5641/93, VOL.II., dated 18-4-1995 issued by the respondent No.1 to the petitioner College as illegal, arbitrary and unjust.

Counsel for the Petitioner: MR.Y.RATNAKAR

Counsel for the Respondents : GP FOR TECHNICAL EDUCATION

The Court made the following :

ORDER:

The petitioner by way of this writ petition questions the impugned notice dated 16-4-1995 issued by the respondent No.1 as illegal, arbitrary and unjust .

It is the case of the petitioner college that the respondent issued a show cause notice dated 18-4-1995, directing the petitioner college to show cause as to why the petitioner-college should not be de-recognized or disaffiliated from the University as the petitioner college has not complied with the directions of the Hon'ble Supreme Court as contained in para-177 of the Judgment in the case of Unni Krishnan J.P & others vs., State of Andhra Pradesh.

No counter affidavit was filed on behalf of the respondents.

The learned counsel for the petitioner submitted that in pursuance of the said show cause notice, the petitioner college has submitted its explanation on 8-8-1995 and according to the petitioner he has paid an amount of Rs.6,00,470/- in the month of March 1993 itself towards the tuition fee in respect of 65 applicants admitted and also furnished a bank guarantee for a sum of Rs.5,54,280/- in respect of un-admitted 60 applicants. On 8-8-1995 while submitting its explanation to the said show cause notice, the petitioner college also remitted the amount of Rs.5,54,280/- in respect of the bank guarantee already furnished. But, so far, the respondent No.1 i.e., the Commissioner of Technical Board, has neither passed any final orders nor refunded the said amount of Rs.5,54,280/- deposited towards the un-admitted 60 students. Hence, the petitioner is entitled to refund of the above said amount.

Even though the writ petition was admitted in the year 1995, and despite the matter being adjourned from time to time, the respondents are unable to file any counter affidavit contesting the claim made by the petitioner-college.

Taking into consideration of the said situation, the learned counsel for the petitioner submits that the petitioner should be given refund of the amount.

However, it is further submitted by the learned counsel for the petitioner that the petitioner wants to file a fresh representation to the respondent for refund of the said amount and the respondents can consider the said representation along with the explanation already submitted by the petitioner and pass an appropriate final order.

At this stage, this Court cannot give any directions or adjudicate the matter without there being a proper counter affidavit on behalf of the respondents.

In view of the above, the first respondent Commissioner of Technical Board is directed to take into consideration of the representation as well as the explanation submitted by the petitioner and pass appropriate orders expeditiously.

With the above said observations, the writ petition is disposed of. No costs.

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N.V.RAMANA J

Dt. 04-11-2004

Kvrk

To

1 The Commissioner of Technical Education, A.P. Hyderabad.
2 The Secretary, Education Department,
Govt., of Andhra Pradesh, Hyderabad.

3. Two CCs to G.P. for Technical Education, High Court of A.P.,

Hyderabad(OUT)

4. Two CD copies.

HON'BLE SRI JUSTICE N.V. RAMANA

W.P.NO. 8871 OF 1995

4TH NOVEMBER 2004